

REMARKS

The present invention relates to a polyester fiber knitted or woven fabric, as further defined in the amended claims herein.

In the Office Action of June 28, 2006, claims 1 - 7 were rejected under 35 U.S.C. § 102(b) based on U.S. Patent 6,316,101 (Kato et al) and U.S. Patent 6,284,370 (Fujimoto et al). Furthermore, claims 1 - 7 were rejected under 35 U.S.C. § 103(a) based on JP 2000-319370 (hereinafter JP '370), EP 1 156 070 (hereinafter EP '070), JP 2001-1278971 (sic - JP 2001-278971 hereinafter JP '971), JP 54-045397 (hereinafter JP '397), and JP 54-043295 (hereinafter JP '295). In response to the Office Action, Applicants have herein amended independent claim 1 in order to more specifically define the present invention and further clarify essential features of the present invention. Dependent claims 5 and 6 have also been amended herein, further to the amendments to claim 1.

In the amended claims, the amended claim recitations are supported by the disclosure in the specification, e.g., by the passages at page 17, lines 28 - page 18, line 19; page 21, lines 33 - 35; page 26, lines 13 - 18; page 24, lines 18 - 30; and page 24, line 36 - page 35, line 1.

An essential feature of the polyester fiber knitted or woven fabric of the present invention is a combination of the feature that the polyester fiber yarns from which the knitted or woven fabric is constituted comprises, as a principal component, a polyester polymer which has been

produced by polycondensation of a terephthalate diester of ethylene glycol in the presence of a specific catalyst as defined in the amended claim 1, with a feature that the knitted fabric has specific course and wale densities as recited in the amended claim 1, and the woven fabric has a specific cover factor (CF) as recited in the amended claim 1.

The recited features of the present invention as noted above enables the resultant polyethylene terephthalate fiber knitted or woven fabric of the present invention to exhibit a satisfactory color tone (a high L* value and a low b* value), good hand, and a high suitability for clothes for sports and uniforms.

Applicant now turns to the prior art references that were cited in the Office Action, and notes of the features thereof in contrast to the invention in accordance with the amended claims herein, based on which it is respectfully submitted that the patentability of the presently claimed invention will be clearly understood.

U.S. Patent 6,316,101 B2 (Kato)

Kato discloses poly(trimethylene terephthalate) fibers and fabrics comprising the fibers.

The poly(trimethylene terephthalate) fiber fabrics of Kato are now more clearly and definitely distinguished from the polyethylene terephthalate fiber fabrics as defined in the amended claim 1 of the present application.

Accordingly, Kato now clearly does not affect the patentability of the present invention as claimed in the amended claim 1.

U.S. Patent 6,284,370 B1 (Fujimoto)

Fujimoto discloses poly(trimethylene terephthalate) fiber fabrics.

The poly(trimethylene terephthalate) fiber fabrics of Fujimoto are also now more clearly and definitely distinguished from the polyethylene terephthalate fiber fabric as claimed in the amended claim 1 of the present application.

Thus, Fujimoto also does not now affect the patentability of the present invention.

JP-2000-319370 (JP '370)

JP '370 discloses a process for producing a polyester by polycondensing a diester of an aromatic divalent carboxylic acid with ethylene glycol or an oligomer thereof in the presence of

a catalyst comprising a reaction product of a titanium compound with a phosphorus compound of the formula (III) shown in JP '370.

The phosphorous compound of the formula (III) is produced by heat-reacting a phosphorus compound represented by the formula:



with ethylene glycol, while removing the resultant reaction by-product, an alcohol derived from the RO-groups of the phosphorus compound of the formula (IV).

This type of the phosphorus compound is not used in the process of the present invention.

JP '370 is quite silent as to the woven or knitted fabric as defined in the amended claim 1.

Accordingly, JP '370 does not affect the patentability of the polyethylene terephthalate fiber knitted or woven fabric as claimed in the amended claim 1.

EP 1156070 A1 (EP '070)

EP '070 discloses a method for preparing polyester resins copolymerized with 1,4-cyclohexanedimethanol. This copolyester resin should be definitely distinguished from the polyethylene terephthalate.

In the method of EP '070, the phosphorus compound represented by the formula (I) is used as a stabilizer, but not as a catalyst.

Also, EP '070 is quite silent as to the knitted or woven fabric prepared from the polyethylene terephthalate fibers and defined in the amended claim 1 of the present application.

Accordingly, EP '070 does not affect the patentability of the present invention.

JP-2001-278,971-A (JP '971)

JP '971 discloses a process for producing poly(trimethylene or tetramethylene aromatic dicarboxylate)ester by polycondensing a trimethylene glycol ester of an aromatic dicarboxylic acid and/or an oligomer thereof or a tetramethylene glycol ester of an aromatic dicarboxylic acid and/or an oligomer thereof in the presence of a titanium-phosphorus catalyst system.

The polytrimethylene or tetramethylene aromatic dicarboxylate ester resin of JP '971 must be definitely distinguished from the polyethylene terephthalate resin of the present invention. Also, JP '971 is quite silent as to the knitted or woven fabric produced from the polyester fibers and defined in the amended claim 1 of the present application.

Thus, JP '971 does not affect the patentability of the present invention.

JP-54-43295-A (JP '295)

JP '295 discloses a method of producing a polyester by copolymerizing a glycol ester of an aromatic dicarboxylic acid or an oligomer thereof in the presence of a titanium-phosphorus catalyst.

JP '295 is, however, quite silent as to the knitted or woven fabric produced from the polyester fibers and defined as in the amended claim 1 of the present application.

Thus, JP '295 does not affect the patentability of the knitted or woven fabric of the present invention as claimed in the amended claim 1.

JP-5445397-A (JP '397)

JP '397 discloses a method of producing a polyester by polycondensing a glycol ester of aromatic dicarboxylic acid or an oligomer thereof in the presence of a titanium-phosphorus catalyst.

JP '397 is, however, quite silent as to the knitting or woven fabric produced from the polyester fibers and as defined in the amended claim 1 of the present application.

Accordingly, JP '397 does affect the patentability of the present invention as claimed in the amended claim 1.

In view of the foregoing discussion, it is respectfully submitted that the amended claims 1 - 7 now pending are neither anticipated nor obvious in view of the cited art of record. Accordingly, it is respectfully submitted that the rejections under 35 U.S.C. § 102(b) and 35 U.S.C. § 103(a) should now be withdrawn.

In view of the above, reconsideration and allowance of amended claim 1 - 7 of this application are now believed to be in order, and such actions are hereby earnestly solicited.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No.: 10/541,757

Attorney Docket No.: Q88917

If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned attorney at the local Washington, D.C. telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.


Respectfully submitted,

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Date: September 28, 2006